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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/560,201

12/08/2005

Timothy Freeze

CPG 03-07 MB

5506

48418 7590 02/02/2009  
PARKS KNOWLTON LLC  
1117 PERIMETER CENTER WEST  
SUITE E402  
ATLANTA, GA 30338

EXAMINER

BUI, LUAN KIM

ART UNIT

PAPER NUMBER

3728

MAIL DATE

DELIVERY MODE

02/02/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/560,201	<b>Applicant(s)</b> FREEZE, TIMOTHY	
	<b>Examiner</b> Luan K. Bui	<b>Art Unit</b> 3728	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 January 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2 and 5-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,5-24 and 28-38 is/are allowed.
- 6) ☒ Claim(s) 25-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Continued Prosecution Application***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/12/2009 has been entered.

2. As a point of clarification, during the telephone interview between the Examiner and the Applicant, Mr. Jeffrey T. Knapp on 1/30/2009, the Applicant is agreed to amend the claims as follows:

In claim 1, line 3, "a blister tray" should be changed to --a blister tray,--.

In claim 1, line 10, "said gate" should be changed to --said gate panel--.

In claim 1, line 11, "said tab" should be changed to --said detachable tab--.

In claim 1, line 13, "corresponding tab" should be changed to --corresponding said at least one substantially detachable tab--.

In claim 1, line 16, "said tab" should be changed to --said detachable tab--.

In claim 2, line 3 and claim 5 line 1, "said tab" should be changed to --said detachable tab--.

In claim 6, line 9, "corresponding gate" should be changed to --corresponding said at least one gate--.

In claim 6, line 11, "tabs" should be changed to --said at least one tab--.

In claim 6, line 13, "given" should be changed to --said--.

In claim 6, line 14, "tab" should be changed to --said at least one tab--.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 25-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 25, line 7, the phrase "the corresponding tabs" lacks antecedent basis. In claim 25, the phrases "at least one given gate" and "a corresponding tab" are vague and indefinite because they have no clear meaning.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (2003/0213721) in view of Leblong (5,758,774) or Williams-Hartman (2004/0182738). Jones discloses a package blank apparatus (100, 300, 400) comprising an aperture panel (8) with plural apertures, a gate panel (12) having plural gates (4, 41, 42), a tab panel (7) having plural tabs (9, 10). Jones also discloses the other claimed limitations except for an adhesive coating on the tabs and a release agent being applied to the gate panel.

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Leblong shows a package blank apparatus (10) comprising a first layer (11), a second layer (12) secured to the first layer and a third layer/tab panel (17) secured to the second layer. The third layer having at least one detachable tab (27) and a release peel coating/release agent (column 2, lines 49-52) coated on a side in contact with the second layer to prevent permanent bonding/adhesive coating between the second and third layers. Williams-Hartman teaches an apparatus comprising an aperture panel (201) having at least one aperture (202), a blister tray (100) with at least some portion of the tray protruding through the aperture panel and a gate panel (301) secured to the aperture panel with at least one gate (302, 303, 305) that is substantially dimensioned and aligned with the aperture. Williams-Hartman further teaches a release agent (304, paragraphs 0083 and 0084) applied to the gate panel in the vicinity of the at least one gate to prevent adhesion between the at least one gate to a seal (104). It would have been obvious to one having ordinary skill in the art at the time the invention was made in view of Leblong or Williams-Hartman to modify the packaging blank apparatus of Jones so the apparatus includes a release agent applied to the gate panel in the vicinity of the at least one gate to prevent adhesion thereof to a corresponding the tab to facilitate removing the at least one tab from the gate panel.

7. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 25 above, and further in view of Boone (4,870,764). The package blank apparatus of Jones as modified further fails to show the aperture panel comprises opposite lateral edges with the gate panel and the tab panel have later edges being joined respectively to the opposite lateral edges of the aperture panel.

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Boone shows a package blank comprising an aperture panel (1) having at least one aperture (4) and opposite lateral edges, a gate panel (11) and a panel (3) having lateral edges joined respectively to the opposite lateral edges of the aperture panel. It would have been obvious to one having ordinary skill in the art in view of Boone to modify the Jones so the aperture panel comprises opposite lateral edges and the gate panel and the tab panel joined respectively to the opposite lateral edges of the aperture panel because the selection of the specific arrangement such as the arrangement of the aperture panel as claimed or discloses by Jones or Boone would have been an obvious matter of design choice inasmuch as the resultant structures will work equally well.

***Allowable Subject Matter***

8. Claims 1, 2, 5-24 and 28-38 would be allowable if Applicant amends the claims as indicated above.

***Response to Arguments***

Applicant's arguments with respect to 1/12/2009 have been considered but are deemed to be moot in view of the new grounds of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is 571-272-4552. The examiner can normally be reached on 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

lkb  
February 2, 2009

/Luan K. Bui/  
Primary Examiner  
Art Unit 3728